

69-C-116

Jury demand date: 6-10-64 by deft.

TITLE OF CASE		ATTORNEYS					
<p>TOMMY LEE BARNHART, and Employers Mutual of Wausau, a foreign corporation vs INTERNATIONAL HARVESTER COMPANY, a Foreign Corporation; ROCKWELLSTANDARD CORPORATION, a Foreign Corporation; and FREEMAN EQUIPMENT Co., Inc., an Oklahoma Corporation</p>		<p>For plaintiff:</p> <p>Sanders & McElroy and Floyd L. Walker 205 Denver Building Mayo Bldg. Tulsa, Oklahoma 74103 Tulsa 74103</p> <p>Burton J. Johnson (Emp. Mutual) 219 Couch Drive Oklahoma City, Okla. 73102</p> <p>For defendant:</p> <p>Best, Sharp, Thomas & Glass by Joseph M. Best (International Harvester Co.) 200 Franklin Building Tulsa, Oklahoma 74103</p> <p>Alfred B. Knight (Rockwell-Standard) 212 Beacon Building Tulsa, Oklahoma 74103</p>					
STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.		
J.S. 5 mailed 7-1-69	Clerk	6-10-69	Best	15 00	15 00		
J.S. 6 mailed 12-1-70	Marshal	6-12-69	C/D 53				
Basis of Action: Personal Injuries	Docket fee						
	Witness fees						
Action arose at: Gore, Okla.	Depositions						

DATE	PROCEEDINGS	Date Order or Judgment Noted
6-10-69	Petition For Removal, filed. js	
6-10-69	Bond On Removal, filed, in the amount of \$500.00, International Harvester Co., & Rockwell-Standard Corp. as Principals and Fidelity and Deposit Company of Maryland as Surety. js	
6-10-69	Notice of Filing of Petition and Bond for Removal, filed. js	
6-10-69	Answer of International Harvester Co., filed. js	
6-10-69	Acknowledgement of The Clerk of the District Court for Tulsa County Okla. of Receipt of Copy of the Notice, Petition & Bond, filed. js	
6-23-69	Answer of Rockwell-Standard Corporation, filed. g	
7-11-69	Case set for pre-trial on Monday, Aug. 4, 1969, at 4:00 P.M. (FD-J)g	
7-22-69	Deft. Rockwell-Standard Corp's motion to make additional party plaintiff, filed. m	
7-22-69	Memorandum brief of deft. Rockwell-Standard Corp. in support of above motion, filed. m	
7-24-69	Ordered by the Court that the plaintiff respond, with supporting brief, to defendant, Rockwell-Standard, Corporation's motion to make additional party plaintiff, within 7 days from date. (Fred Daugherty-Judge) b	
7-28-69	Plaintiff's response to defendant Rockwell-Standard Corporation's motion to make additional party plaintiff, filed. b	
7-28-69	Brief in support of plaintiff's response to defendant's motion to make additional parties, filed.	
8-1-69	Deft. International Harvester Company's motion for production of documents for inspection, copying or photographing, filed. m	
8-1-69	Memorandum brief in support of motion for production of documents for inspection, copying or photographing, filed. m	
8-4-69	Pre-trial hearing held, plaintiff admits part of defendants' motion for production of documents. Plaintiff to file amended complaint within 10 days and defendants 10 days to file answer to the amended complaint. Defendant Rockwell-Standard Corp's motion to make additional party plaintiff is overruled. (Fred Daugherty - Judge) b	
8-5-69	Ordered by the Court that the plaintiff comply with defendant International Harvester Company motion for production of documents for inspection, copying or photographing within 10 days from date or if opposed that he respond thereto with supporting brief. (Fred Daugherty - Judge) b	
8-14-69	Ordered by the Court that the plaintiff is granted 4 days from date within which to file an amended complaint. (Fred Daugherty - Judge) b	
8-14-69	Plaintiff's response to International's motion for production of documents under Rule 34, filed. b	
8-14-69	Plaintiff's brief in support of plaintiff's response to International's motion for production of documents, filed. b	
8-18-69	Amended Complaint, filed. js	
8-15-69	Order filed, that the motion of the defendant International Harvester Company for production of documents for inspection, copying or photographing has been satisfied. (Fred Daugherty - Judge) b copies mailed.	
8-27-69	Plaintiff's motion to remand, filed. b	
8-27-69	Plaintiff's brief in support of motion to remand, filed. b	
8-28-69	Answer to amended complaint, filed. ds Answer of Rockwell Standard Corp.	
9-2-69	Ordered by the Court that the defendants respond, with supporting brief, to the plaintiff's motion to remand within 10 days from date. (Fred Daugherty - Judge) b	
9-8-69	Order filed, that defendant North American Rockwell Corporation's motion to make additional party plaintiff is abated and hereafter	

(Continued on Page No. 3, Sheet No. 2)

DATE	PROCEEDINGS	Date Order or Judgment Noted
	be entertained if the motion to remand is overruled and refer the motion to the state court if the motion to remand is sustained. (Fred Daugherty - Judge) copies mailed to parties b	
9-12-69	Response of defendant Rockwell-Standard Corporation to plaintiff's motion to remand, filed. g	
9-15-69	Brief of deft. International Harvester Co. in opposition to pltf's motion to remand, filed. m	
9-26-69	Plaintiff's Reply To Defts Brief Opposing Motion To Remand, filed. js	
10-15-69	Order filed, plaintiff's motion to remand is overruled. (Fred Daugherty - Judge) b copies mailed. b	
11-6-69	Interrogatories propounded to plaintiff, filed. m	
11-13-69	Plaintiff's pre-trial brief, filed. b	
12-5-69	Plaintiff's answers to interrogatories propounded by International Harvester Company, filed. m	
12-12-69	Order filed that the motion of defendant, Rockwell-Standard Corporation, to make Employers Mutual of Wausau an additional party plaintiff is granted. (Fred Daugherty - Judge) copies mailed to counsel. b	
12-29-69	Motion of parties to amend order of Court of 12-12-69, filed. m	
12-29-69	Memorandum brief in support of request that matter be certified for interlocutory appeal, filed. m	
1-2-70	Order denying motion of parties to certify question of the joinder of Employers Mutual Wausau as an additional party plaintiff to Court of Appeals under 28 USC 1292(b)(1) and defendant Rockwell Standard Corporation will take immediate action to add the additional party plaintiff it requests or withdraw its Motion to add such party, filed. FD-J copies mailed.	
1-19-70	Order filed, adding Employers Mutual of Wausau, a foreign corporation as a party plaintiff, that summons issue. (Fred Daugherty-Judge) copies of above order mailed to counsel. b	
1-30-70	Summons returned, filed, served Employers Mutual of Wausau by leaving a copy with Joe B. Hunt, Oklahoma State Insurance Commissioner and paying him \$3.00 at Oklahoma City, Okla. 1-26-70 (Fee \$4.72+\$3.00)b	
2-17-70	Answer of Employers Mutuals of Wausau as an Additional Party Plaintiff filed. h	
4-2-70	Motion to dismiss of plaintiff Employers Mutuals of Wausau, with joint petition from State Industrial Board, filed. b	
4-6-70	Ordered by the Court that the defendants and plaintiff, Tommy Lee Barnhart, each respond to the plaintiff Employers Mutuals of Wausau to dismiss which is considered to be a motion to drop said party as a plaintiff within 10 days from date and if motion is opposed by any of said parties, it is desired that a supporting brief be attached. (Fred Daugherty - Judge) b	
4-9-70	Response of Tommy Lee Barnhart to Employers Mutual's Motion to be dropped as party plaintiff, filed. js	
4-21-70	Response of International Harvester Company to Employers Mutual of Wausau's motion to be dismissed as a party plaintiff, filed. b	
4-22-70	Response of Rockwell-Standard to motion to dismiss of employers Mutual, filed. b	
4-24-70	Order filed that the plaintiff Employers Mutuals of Wausau is dropped as a party plaintiff. (Fred Daugherty - Judge) b	
4-24-70	Ordered by the Court that this case is transferred to Honorable Luther Bohanon, Judge. (Fred Daugherty - Judge) b	

(Over)

DATE	PROCEEDINGS	Date Order or Judgment Noted
6-4-70	Case set for pre-trial Monday, June 15, 1970, at 1:30 P.M. (LB-J) v	
6-15-70	Pre-trial hearing held. Parties to file suggested pre-trial order and briefs within 12 days setting out issues to be joined. Court will then set case for pre-trial conference (2 hours) in July or August. Case to be set for jury trial after pre-trial conference. (LB-J)m	
7-6-70	Case set for pre-trial Friday 7-10-70 at 1:30 p.m. (LB-J)m	
7-10-70	Pre-trial hearing held. Pltff. announces trial brief was filed one year ago and deft. directed to file trial brief. Parties to be given 45 days notice for jury trial and if requested, Court will grant another pre-trial conference. (LB-J)m	
7-10-70	Pre-trial order, filed. (LB-J)m	
9-4-70	Case set for jury trial 11-2-70 at 9:30 a.m. (LB-J)m	
10-5-70	Plaintiff's response to letter brief of Rockwell-Standard, filed. v	
10-6-70	Plaintiff request for admissions of fact from both defendants, filed. ds	
10-15-70	Stipulation for extension of time to file answer to requests for admissions and order extending time until 10-25-70, filed. (LB-J)m (parties notified)	
10-28-70	Application of plaintiff for an order of dismissal without prejudice as to the Defendant Rockwell-Standard Corporation, filed. m	
10-30-70	Defendant, International Harvester Company, a foreign corporation's answer to second amendment to the amended Complaint of August 18, 1969, filed. b	
10-30-70	Defendant, International Harvester Company, a foreign corporation's admissions of fact, filed. b	
11-2-70	Case tried to a jury Nov. 2,3,4 & 5th. Verdict ordered received, read & filed in open Court. Jury returns a verdict for the plaintiff & fixes his damages in the amt. of \$600,000.00. Jury polled and excused. Deft. requests Court to set aside the verdict & moves for judgment notwithstanding the verdict & motion denied. (LB-J)m	
11-5-70	Note from Foreman of Jury, filed. m	
11-5-70	Exhibits filed (in file & exhibit room)m	
11-17-70	Judgment on jury verdict, filed and entered; plaintiff having received payment totalling \$140,000.00, to be deducted from the jury award of \$600,000.00, the plaintiff to have judgment from defendant International Harvester Co. in amount of \$460,000.00, together with costs. Supersedeas bond fixed in amount of \$600,000.00. (LB-Judge)g (copies to counsel)	
11-23-70	Bill of costs filed by plaintiffs. To be taxed 12-1-70. ds	
11-25-70	Deft's motion for new trial, filed. m	
11-25-70	Brief in support of motion for new trial, filed. m	
12-1-70	Costs taxed against deft. International Harvester Co. in sum of \$1,798.00. g	
12-7-70	Motion of plaintiff to retax costs, with brief in support, filed. m	
12-7-70	Deft's motion to review costs taxed by clerk, filed. m	
12-7-70	Deft's brief in support of motion to review costs taxed by clerk, filed. m	
1-18-71	Case called for hearing on Deft's motion for new trial, pltf's motion to retax costs & deft's motion to review costs taxed by Clerk. Deft. counsel announces motions are moot and case is settled. Proper papers to be filed. (LB-J)m	
1-19-71	Receipt, release and satisfaction of judgment, with relinquishment of right to appeal, filed. g	